

REMARKS

By the present amendment, claim 1 has been amended to include the recitations of previous claims 5 and 7, and previous claims 5 and 7 have been cancelled.

Applicant notes with appreciation the indication of allowability of claim 6, which is now rewritten in independent form as new claim 21, including the recitations of the intervening claims 1 and 5 as they previously appeared in the case.

The rejection of Claims 1-2, 4-5, 11-14 and 16-20 as allegedly being anticipated by Matthias (US 6,495,236) is obviated by the incorporation into claim 1 of the subject matter of previous claim 7.

Previous claims 3, 7 and 8 were rejected under 35 USC §103 as allegedly being obvious based on Matthias (US 6,495,236) in view of Cicero (US 3,596,576). That rejection is respectfully traversed, for the following reasons.

Claim 1 now recites that the artificial blades of grass comprise a tubular core that is filled at least in part with a liquid conductor.

In Matthias, the artificial grass blades are hollow and are themselves the liquid conductor. The mention in Matthias at column 2, lines 27-31 that the blades may be formed from or layered with a hydrophilic material does not alter the fact that

the blades of the reference are hollow and are themselves the conductor, as emphasized by Matthias when stating that the reason for making the blades from or layering them with a hydrophilic material is "to facilitate the filling of the hollow blades by means of capillary forces."

Cicero is said to disclose a cotton primary backing for artificial turf, with the Official Action referring to Example 1 of the reference, and further characterizing the purported cotton backing of Cicero as a liquid release layer that inherently absorbs moisture.

The Official Action contends that it would have been obvious to fill the hollow grass tubes of Matthias with cotton material, in view of Cicero, to provide further water retention properties.

However, Cicero does not appear to disclose a cotton backing at all. Column 2, lines 15 and 23-25 of Cicero refer to synthetic backings. Example 1 refers to the "cotton count" of a polyester backing. However, "cotton count" is merely a measure of linear density of a textile (which can be converted e.g. to denier and tex), and does not connote the material of the textile in question. Furthermore, Cicero does not address moisture retention or release in any way.

Considering Matthias and Cicero together, then, a skilled artisan might have chosen to utilize a polyester backing layer for the turf system of Matthias, to the extent that such a

layer would serve to absorb and release moisture (which is unclear on the present record and, as noted above, not described by Cicero). In any case, however, there is certainly nothing in either reference that would have made it obvious to a skilled artisan to use cotton fibers or any other liquid conductor inside the hollow blades of Matthias, as an internal moisture conductor that fills the hollow blades at least in part.

In the recent case of *KSR v. Teleflex*, 127 S.Ct. 1727 (2007), the Supreme Court emphasized that caution should be exercised before granting patents "involving the combination of two known devices according to their established functions." However, that is plainly not the situation presented by the present claims, because, to the extent that the amended claim 1 could be viewed as being a combination of Matthias and Cicero, the Cicero material is not being used for the function described by Cicero, nor is it being used in the same configuration or even the same location.

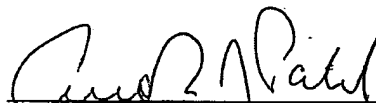
Therefore, the applicant respectfully submits that for the aforementioned reasons, all of the claims are in condition for allowance.

In view of the present amendment and the foregoing remarks, therefore, it is believed that this case is now in condition for allowance, with claims 1-4, 6 and 8-21, as amended. Allowance and passage to issue on that basis are accordingly respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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